

Appln. No. 10/053,154

Attorney Docket No. 10541-868

### III. Remarks

Claims 1-8, 18, and 19 are pending. Claims 18 and 19 were amended in the paper mailed by Applicants on November 20, 2003 in response to the Office Action mailed on August 19, 2003. The claims listed above reflect the November 20, 2003 amendments, and no further amendments are made by this paper.

#### *Rejections under 35 USC §102(b)*

The Examiner rejected claims 18 and 19 under 35 USC §103(b) as being anticipated by U.S. Patent No. 5,547,096 to *Kleyn* ("Kleyn"). The Examiner stated that a product-by-process claim covers the product which is recited by the claims and not the process steps which are recited. The Examiner further stated that the only structure that is claimed in claims 18 and 19 is a fuel tank.

Applicants respectfully assert that the *Kleyn* does disclose the structure implied by the process steps recited in claims 18 and 19. The structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. MPEP §2113.

Claims 18 recites the steps of bonding at least one exterior fitting component to a wall forming material, inserting an interior fitting component into the exterior portion of the exterior fitting component, and causing the wall forming material to extend into the exterior portion of the exterior fitting component. Therefore, the structure implied by the process steps in claim 18 includes a three-layer structure having an exterior fitting component, an interior fitting component located within the exterior component, and a wall forming material located within the exterior fitting component.

*Kleyn* does not disclose a three-layer structure as recited in claim 18. Rather, *Kleyn* discloses a gasket 34 and a filler neck 82 that arguably may be considered to be an exterior fitting component and an interior fitting component, respectively. (*Kleyn*, Fig. 2, col. 2, line 57 – col. 3, line 12). However, *Kleyn* does not disclose a third layer that may be considered to be the wall forming material located within the



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exterior fitting component as defined in claim 18. Therefore, Applicants respectfully assert that claim 18 is not anticipated by *Kleyn*.

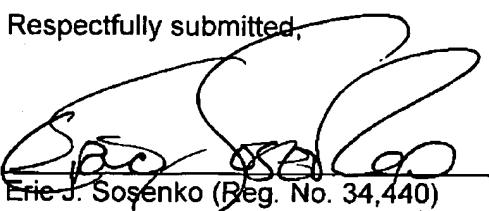
Claim 19 recites the steps of bonding at least one exterior fitting component to a wall forming material, inserting an interior fitting component into the exterior portion of the exterior fitting component, and causing the wall forming material to extend into the exterior portion of the exterior fitting component. Therefore, the structure implied by the process steps in claim 19 includes a three-layer structure having an exterior fitting component, an interior fitting component located within the exterior component, and a wall forming material located within the exterior fitting component.

*Kleyn* does not disclose a three-layer structure as recited in claim 19. Rather, *Kleyn* discloses a gasket 34 and a filler neck 82 that arguably may be considered to be an exterior fitting component and an interior fitting component, respectively. (*Kleyn*, Fig. 2, col. 2, line 57 – col. 3, line 12). However, *Kleyn* does not disclose a third layer that may be considered to be the wall forming material located within the exterior fitting component as defined in claim 19. Therefore, Applicants respectfully assert that claim 19 is not anticipated by *Kleyn*.

### **Conclusion**

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Therefore, Applicants request that the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

Respectfully submitted,



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